

REMARKS

Claims 1 through 20 are presented for examination, of which claims 1, 4 and 6 are independent. Favorable reconsideration and further examination are respectfully requested.

Allowable Subject Matter

Applicants acknowledge Examiner's conclusion that claims 4 through 6 would be allowable if rewritten in independent form. Applicants have amended claims 4 and 6 placing both in independent form including all the features of their respective base claim and any intervening claims. Each of claims 5 and 6-20 depend from one of claims 4 and 6 are allowable for at least the same reasons.

Claim Rejections – 35 U.S.C. § 112

Claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, according to the Office Action (page 2), "it is not clear of the term 'equals about zero.'" In this regard, Applicants submit that "about" should be construed in accordance with its ordinary meaning¹ to mean "approximately: close to in number ...". Accordingly, Applicants submit that the term "equals about zero" clearly limits the wave number k_y , which is introduced in claim 1, to a value that is close to zero while still allowing some flexibility so as not to limit the wave number k_y only to a value of exactly zero. We note that the

¹ "about." Microsoft Encarta Online Online Dictionary. 2008.
Microsoft Corp. 15 August 2008
http://encarta.msn.com/dictionary/_about.html

specification is written to teach those of ordinary skill in the art, not the casual observer. It is our view that the current language would be understandable to one of ordinary skill in the art and, therefore, withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3 and 7-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,121,860 (Tsutsumi). Claim 1 covers acoustic wave transducers in which “a longitudinal phase speed of an acoustic wave in [an] acoustic track is less in a marginal area than in [an] excitation area.” Peters does not describe or suggest each and every limitation of claim 1.

In this regard, the Office Action (page 2) apparently equates the excitation section(s) 9a, 9b and the signal-side bus bars 13a, 13b of Tsutsumi, Fig. 2, to the excitation area and the marginal areas, respectively, of Applicants' claim 1. However, Tsutsumi still does not disclose or suggest that “a longitudinal phase speed of an acoustic wave in the acoustic track is less in a marginal area than in the excitation area.” Nor would it have been obvious to modify Tsutsumi's surface acoustic wave filter in such a manner as to provide this feature. To the contrary, according to Tsutsumi, “the propagation velocity V_{bus}^2 must be larger that the propagation velocity V_{idt} of the surface acoustic waves propagating through the excitation section” (See, e.g., Tsutsumi at col. 12, lines 5-8; emphasis added). Thus, it would seem to be contrary to the very teachings of Tsutsumi to modify Tsutsumi's surface acoustic wave filter such that “a longitudinal phase speed of an acoustic wave in the acoustic track is less in a marginal area than in the

² V_{bus} is the propagation velocity of the surface acoustic waves propagating through the signal-side bus bars (See, e.g., Tsutsumi at col. 11, lines 54-57).

excitation area,” as required by Applicants’ claim 1. Accordingly, claim 1 is believed to be patentable.

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

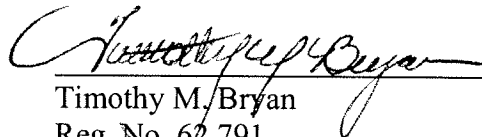
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Page : 12 of 12

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Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06-1050, referencing Attorney Docket No. 14219-0107US1. Telephone calls regarding this application should be directed to 617-956-5955.

Respectfully submitted,

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